

**GOVERNMENT OF ANDHRA PRADESH  
ABSTRACT**

Tribal Welfare – West Godavari District – Revision Petition filed under section 6 of A.P.S.A.L.T.R, 1959 by Sri Madapati Subba Rao R/o Repalleveda Pragadapalli (P.O.) against the orders of the Agent to Government, West Godavari District in SRA No.2/2001, dt:16-7-2001 – Dismissed – Orders – Issued.

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**SOCIAL WELFARE (LTR-2) DEPARTMENT**

G.O.Ms.No. 60

Dated: 08-06-2009.

Read the following:

1. From Sri Sitaram chaparla & K. Gani Reddy counsel for the petitioner, Revision Petition dt:21-8-2001.
2. From the Hon'ble High Court of A.P in W.P No.17737/2001, dt:24-8-2001.
3. Government Memo No.13614/LTR1/2001-1&2, dt:13-9-2001.
4. From the Collector West Godavari in ROC No.14/7394/2001, dt:3-8-2005.
5. Representation dt:26-3-2007 of the counsel for petitioner.
6. Government Telegram No.13614/LTR1/2001, dt:21-3-2007 and 2-4-2007.
7. Government Lr. No.13614/LTR1/2001, dt:06-11-2008, 17.06.08,21-07-2008 and 22.12.08.

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**ORDER:**

In the reference read above Sri Madapati Subba Rao has filed a Revision Petition before the Government against the orders of the Agent to Government, West Godavari in SRA No.2/2001, dt:16-7-2001 in respect of land admeasuring Acres 4.84 cents covered by R.S No.51 and 52 parts of Pragadapalli an agency village of Polavaram (M) of West Godavari District. The main grounds of the appellant in the Revision Petition among others are as here under:-

- a) The appellate authority failed to see that he has been in possession of only Acres 0.98 cents and not concerned with the rest of the land.
- b) The 3<sup>rd</sup> respondent i.e. Special Deputy Collector (TW), Kotaramachandrapuram deliberately and intentionally mingled the petitioner's piece of land with rest of the land and failed to furnish any material as to how he could arrive to the extent of Acres 4.84 cents.
- c) The appellate court ought to have seen that though the sale deed was formally in 1971 for Acres 0.98 cents the actual sale took place prior to 1970 through a possessory agreement of sale and the land was also registered as patta land of the petitioner and as such regulation 1/59 as amended by 1/70 is not applicable.
- d) The appellate authority ought to have seen that the land under dispute has been in possession and enjoyment of non-tribals right from the beginning and no tribal is either involved or interested in it at any point of time.

2. The brief history of the case is that in the year 1998, the Special Deputy Tahasildar, Kotaramachandrapuram filed a complaint before the Special Deputy Collector (TW), Kotaramachandrapuram against non-tribal respondent viz., Sri Madapati Subba Rao R/o Pragadapalli (V) Polavaram (M), West Godavari District., for having held an extent of Acres 4.84 cents under patta No.10 in OS No.51 Part and 52 part of Pragadapalli (V) in Polavaram (M) by a registered document No.108/77 in contravention of Land Transfer Regulation provision. The same was taken on file in S.R. No.522/98 and enquired into. The Special Deputy Collector (TW), Kotaramachandrapuram after conducting detailed enquiry held in his order dt:29-5-1999 that the non-tribal respondent Sri Madapati Subba Rao purchased the above land from another non-tribal viz., Khandabhattu Nageswara Rao through registered sale deed No.108/77, dt:2-5-1977 which was after Regulation 1/70 came into force. Hence, allowed the case in favour of Government vide SR No.522/98, dt:29.5.99. Aggrieved by the Lower Court order, the petitioner filed an Appeal before the Agent to Government, West Godavari District at Eluru with the following grounds: 1. The land has been in possession and enjoyment of non-tribals only from times immemorial. 2. He has been in possession of Acres 0.98 through sale deed in 1971 only which he acquired prior to 1970 but the Lower Court mentioned an extent of Acres 4.84 cents. Thus, the identity of land under dispute is doubtful and vague. The Agent to Government, West Godavari District Eluru after detailed enquiry held in her order dated 16-7-2001 as

(a) the non-tribal appellant i.e. petitioner herein purchased an extent of Acres 0.98 cents covered by R.S No.41 of Pragadapalli (V) through registered sale deed dt:2-5-1977 from another non-tribal. (b) he failed to file any documentary evidence to show as to how he came into possession of the remaining land i.e. Acres 3.86 (4.84 - 0.98) through the sale deed dt:2-5-1977 and dismiss the appeal vide SRA No.2/2001, dt:16-7-2001. Aggrieved by the orders of Agent to Government, West Godavari District Sri Madapati Subba Rao filed a Revision Petition before the Government. The Hon'ble High Court of A.P in the reference 2<sup>nd</sup> read above granted status quo as to possession pending disposal of the revision by the Government.

3. In the reference 3<sup>rd</sup> read above the Agent to Government, Kotaramachandrapuram was requested to furnish parawise remarks and case records and the same were furnished in the reference 4<sup>th</sup> read above. After examination of the case records, notices were issued to the concerned to attend the hearing of the Revision Petition on 24-3-2007, 09.04.07, 20-11-2007, 30-6-2008, 04.08.2008 and finally on 31-12-2008, vide references 6<sup>th</sup> and 7<sup>th</sup> read above. Both the petitioner and his counsel were absent.

4. Government after careful examination of the material evidence on record found that:

The Special Deputy Tahasildar, Kotaramachandrapuram found the non-tribal respondent Sri Madapati Subba Rao in possession of Acres 4.84 cents in contravention of Land Transfer Regulation provisions. The non-tribal respondent failed to adduce evidences before the Special Deputy Collector (TW), Agent to Government, West Godavari District., Eluru and also before the Government. The extent of Acres 0.98 cents purchased by him from another non-tribal Khandabhattu Nageswara Rao through the registered sale deed on 2-5-1977 is clearly after the Land Transfer Regulation came into force. For the remaining extent of Acres 3.84 cents also, he failed to prove as to how he came into possession. His contention of land never held any tribals and has been in possession of non-tribals only right from the beginning does not hold water until the contrary is proved. Thus, he has been in possession of land under dispute in contravention of Section 3(1) (a) and (b) of Andhra Pradesh Scheduled Areas Land Transfer Regulation 1/59 read with Regulation 1/70 in the Pragadapalli scheduled (V) of Polavaram (M) in West Godavari District.

5. Government after careful examination of the case records finds no reason to interfere with the orders of the Agent to Government, West Godavari District in SRA No.2/2001, dt:16-7-2001 and accordingly dismissed the Revision Petition. The stay granted by the Hon'ble High Court of A.P in W.P No.17737/2001, dt:24-8-2001 and in Government Memo No.13614/LTR-1/01-2, dt.13.9.2001 shall become inoperative.

6. The Collector, West Godavari District / Agent to Government, Kotaramachandrapuram is requested to take necessary action in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

A.K.TIGIDI,  
PRL.SECRETARY TO GOVERNMENT .

To

The Collector, West Godavari District.

(With RPAD of the following Records)

1.Case SRA No.2/2001 Containing CF P. 83, NF-P. 4, Total 87 pages

2.S.R.No.522/98 pp-1-40. (Special Deputy Collector (TW),K.R.Puram)

The Special Deputy Collector (TW), Kotaramachandrapuram, West Godavari Dist.

The Addl. Agent to Government, Eluru, West Godavari District

Special Deputy Tahasildar (TW), Kotaramachandrapuram, West Godavari.

Sri Madapati Subba Rao, R/o Rapallevada Pragadapalli (P.O.)

Sri Sitaram Chaparla & K.Ganireddy, Advocates,

H.No.16-1-404/20/A, Sainagar Colony, Moosarambagh, Hyderabad.

The P.S to M (TW & RAID)

//FORWARDED BY ORDER//

SECTION OFFICER